

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRUCE PULCHALSKI,	:	CIVIL NO. 15-CV-1365
Plaintiff	:	(Judge Kane)
v.	:	(Magistrate Judge Carlson)
FRANKLIN COUNTY,	:	
Defendant	:	

MEMORANDUM ORDER

This is an employment discrimination action. The plaintiff initiated this lawsuit by filing a complaint against Franklin County on June 13, 2015. (Doc. 1.) In this complaint the plaintiff alleges that he was formerly employed at the Franklin County Jail, and he claims that other employees at the jail discriminated against him in violation of the Americans with Disabilities Act. The defendants, in turn, have alleged that the actions taken with respect to the plaintiff were appropriate disciplinary actions given alleged workplace misconduct by the plaintiff.

Given the issues framed by the parties in this lawsuit, some discovery has been undertaken in order to determine the degree to which comparable punishment was administered by prison officials in other instances of similar staff misconduct. The parties have requested our assistance in a discovery dispute relating to the scope of this discovery concerning comparable disciplinary matters. The plaintiff

has served discovery demands which seeks disclosure a range of disciplinary actions, and even complaints which may not have yielded disciplinary action, for a four years period. Having thoroughly discussed this matter with counsel, and mindful of the fact that there needs to be fairly close correlation between comparators in an employment discrimination case, we have instructed the parties that the scope of any disciplinary comparator discovery should be defined as follows:

The defendants should conduct a search encompassing the 2 years period preceding the dates of the events alleged in the plaintiff's complaint for all records relating to disciplinary actions, including verbal or written reprimands, suspensions or discharged of employees taken as a result of findings that employees engaged in the following conduct: Threatening or assaulting co-workers, supervisors, visitors or inmates. To the extent that this search reveals any potential comparators in terms of discipline meted out to other staff for conduct falling within the scope of this order, the defendants will also search of any prior disciplinary history relating to the potential comparator.

So ordered this 9th day of February, 2017.

/s/ **Martin C. Carlson**

Martin C. Carlson

United States Magistrate Judge